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2	JIM WESSER, Bar No. 142416 NICOLE M. PHILLIPS, Bar No. 203786			
3	CONCHITA LOZANO-BATISTA, Bar No. 227227 WEINBERG, ROGER & ROSENFELD			
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6	Fax 510.337.1023			
7	Attorneys for Plaintiffs			
8				
	UNITED STATES DISTRICT COURT			
9	NORTHERN DISTRICT OF CALIFORNIA			
10				
11	KEN WALTERS and JOHN BONILLA, in their) No. C 05 4986 TEH respective capacities as Trustees of the)			
12	OPERATING ENGINEERS HEALTH AND) WELFARE TRUST FUND FOR NORTHERN)			
13	CALIFORNIA; TRUSTEES OF THE PENSION) NOTICE OF DISMISSAL WITHOUT TRUST FUND FOR OPERATING ENGINEERS;) PREJUDICE			
14	TRUSTEES OF THE PENSIONED OPERATING) ENGINEERS HEALTH AND WELFARE FUND;)			
15	TRUSTEES OF THE OPERATING ENGINEERS) AND PARTICIPATING EMPLOYERS PRE-			
16	APPRENTICESHIP, APPRENTICE AND) JOURNEYMEN AFFIRMATIVE ACTION)			
17	TRAINING FUND; TRUSTEES OF THE) OPERATING ENGINEERS VACATION AND)			
18	HOLIDAY PLAN,			
19	Plaintiffs,			
20	v.)			
21	WESTCON MICROTUNNELING, INC., A Utah)			
22	Corporation; WESTCON MICROTUNNELING,) INC. a Division of MODERN CONTINENTAL)			
23	CONSTRUCTION CO., INC.; MODERN) CONTINENTAL CONSTRUCTION CO., INC.;)			
24	A Massachusetts Corporation;)			
25	Defendants.)			
26))			
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20				

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1	NOTICE IS HEREBY GIVEN that, pursuant to Federal Rule of Civil Procedure 41(a)(1).		
2	Plaintiffs voluntarily dismiss the above-captioned action without prejudice. Said voluntary		
3	dismissal without an order of the Court is appropriate, since none of the Defendants have filed an		
4	answer or summary judgment in this matter.		
5			
6	DATED: September 7, 2006	WEINDERG ROCER & DOCENIEU D	
7		WEINBERG, ROGER & ROSENFELD A Professional Corporation	
8			
9		By: /s/ Conchita Lozano-Batista CONCHITA LOZANO-BATISTA	
10		Attorney for Plaintiffs	
11	111493/432215	TES DISTRICT	
12		STATION	
13		DERED E	
14		IT IS SO ORDERED	
15		Z Julia F. Henderson	
16		Judge Thelton E. Henderson	
17		9/7/06	
18		9/7/06 9/7/06 PRICT OF	
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NOTICE OF DISMISSAL WITHOUT PREJUDICE

Case No. 05 4986 TEH